

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No: 13946 of 2002

Between:

Smt. Thoram Lakshmi W/o Siva Kumar
B.R.P.Road, Islampet,
Vijayawada, Krishna District.

..... PETITIONER

AND

- 1 Superintending Engineer, A.P. Transco,
Rajahmundry.
- 2 Divisional Engineer (Operation), A.P. Transco,
Amalapuram, East Godavari District.
- 3 Asst. Accounts Officer, Electricity Revenue Office, A.P. Transco, Razole, East
Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring that the impugned demand Notice of the 3rd Respondent vide his Lr. No. AAO/ERO/Razole/UDC/BS/D.No.24/2002, dated 19-1-2002, demanding a sum of Rs. 1,60,768/- is one without jurisdiction, illegal, arbitrary, violative of principles of natural justice and Articles 14 and 19 (1) (g) of the Constitution of India, and consequently direct the respondents to restore the power supply to the petitioner Service Connection bearing HSC No. 27301 in respect of the premises situated at Mallikipuram Village, East Godavari District, forthwith.

Counsel for the Petitioner: MR.M.PRASADA RAO

Counsel for the Respondents: (SC FOR A.P.S.E.B.)

The Court made the following:

ORAL ORDER:-

This Writ Petition is filed seeking *Writ of Mandamus* to declare the impugned notice issued by the 3rd respondent – Assistant Accounts Officer, Electricity Revenue Office, A.P. Transco, Razole, East Godavari District, *vide* letter dated 19.1.2002, demanding an amount of Rs.1,60,768/-, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioner has availed the electricity power supply to run the Ice Factory, which is being run in the name and style of “Sri Lakshmi Ice Factory” at Malikipuram Village, East Godavari District. Pursuant to the inspection made by the 2nd respondent on 25.08.1998, initially a demand was raised against the petitioner for a sum of Rs.1,05,088=20 Ps., on the ground that the meter, which was installed, was defective. Thereafter, the petitioner made a representation seeking payment of the said amount in instalments. It is also stated that the entire amount has already paid as per the demand. But however, this impugned notice was issued referring to audit objection of the Internal Audit, Rajahmundry, further demanding an amount of Rs.1,60,768/-. It is categorically stated in the writ petition that no opportunity was given to the petitioner before making such demand and no details were furnished in respect of short billed amount. This Court by order, dated 07.02.2003, has granted interim orders and though the writ petition is of 2002, no counter-affidavit is filed yet.

A reading of the impugned order also does not indicate issuance of any prior notice to the petitioner before making such demand. If any amount is to be collected from the petitioner on account of shortfall amount with regard to the consumption of power supply, the petitioner is to be notified before making such demand. It is categorically stated in the affidavit that the said demand was not preceded by any prior opportunity or notice and no details of the short assessment were notified to the petitioner. In that view of the matter, impugned order issued by the 3rd respondent, dated 19.01.2002, in Letter No.AAO/ERO/Razole/UDC/BS/D.No.74/2002, is set aside and if any short billed amount is due from the petitioner, it is open for the

respondents to take steps, as per the terms and conditions of supply by giving notice to the petitioner and by furnishing the details.

Subject to the above direction, the writ petition is disposed of. No orders as to costs.

05.07.2005

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To

- 1 The Superintending Engineer, A.P. Transco, Rajahmundry.
- 2 The Divisional Engineer (Operation), A.P. Transco, Amalapuram, East Godavari District.
- 3 The Asst. Accounts Officer, Electricity Revenue Office, A.P. Transco, Razole, East Godavari District.

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